IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.2463 OF 2005

President/Chairman/Secretary)
Vidya Vardhini Shikshan Mandal).. Petitioner

Versus

Smt.Madhura S.Gaonkar and others).. Respondents

Mr.C.G. Gavnekar for the Petitioner.

Mr.Shaikh Nasir Masih for Respondent No.1.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 9TH SEPTEMBER 2005

P.C.:

. The Petitioner has filed this Petition against an interim order of the School Tribunal whereby the termination order dated 31st March 2004 is stayed. The Tribunal has directed payment of certain wages to Respondent No.1 who is a teacher. In my opinion, there is no need to interfere with this interim order. The Tribunal is still seized of the matter and will, therefore, decide at the stage of final hearing whether Respondent No.1 is entitled to reinstatement with continuity of service and back wages. The observations of the Tribunal are prima facie and, therefore, there is no need to interfere.

2. The submission of the school that this is a reserved post and, therefore, Respondent No.1 is not entitled to the same will also be considered by the Tribunal at the stage of final hearing. The Tribunal will also decide as to how the amount to be paid to Respondent No.1 teacher during the interregnum is adjusted.

3. Petition rejected.